

Remarks

The Examiner has stated that claims 4-5, 7-11, 13-15, 19-21, 25-26 and 30-32 contain allowable subject matter. The Examiner has rejected claims 1-3, 6, 12, 16-18, 22-24 and 27-29 under the nonstatutory, judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20, 31, 37-38 and 40 of United States Patent Number 6,702,018, issued in the names of McGregor et al. (hereinafter "McGregor I").

Claims 1-32 were originally presented for examination. Claims 1-32 are currently pending, of which, claims 1, 12 and 22 are in independent form. Favorable reconsideration of the present Response as currently constituted is respectfully requested.

Allowable Claims

The Examiner has stated that claims 4-5, 7-11, 13-15, 19-21, 25-26 and 30-32 contain allowable subject matter. The applicant acknowledges and appreciates the Examiner's statement. Based upon the Terminal Disclaimer filed herewith, the applicant believes that 4-5, 7-11, 13-15, 19-21, 25-26 and 30-32 each depend from an allowable claim and should therefore be allowed.

Obviousness-type Double Patenting Rejection

The Examiner has rejected claims 1-3, 6, 12, 16-18, 22-24 and 27-29 under the nonstatutory, judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 20, 31, 37-38 and 40 of McGregor I. The applicant has filed herewith a Terminal Disclaimer to overcome the double patenting rejection. Accordingly, applicant requests withdrawal of the rejection to claims 1-3, 6, 12, 16-18, 22-24 and 27-29.

Fee Statement

Form PTO-2038 is enclosed herewith authorizing payment of \$130.00 for the Statutory Disclaimer in accordance with 37 C.F.R. §1.20(d). Compared to the initial filing, the number of independent claims has remained the same and the total number of claims has remained the same. Accordingly, Applicant believes no fees are due for the filing of this Preliminary Amendment. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

Conclusion

In view of the forgoing, the Examiner is respectfully requested to allow claims 1-32 presented for consideration herein. Accordingly, a favorable action in the form of an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 27th day of December, 2004.

Respectfully submitted:



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